

§ 6.35

in the addition of a new article, or an article from a country not previously listed in Appendix 2, the Licensing Authority shall afford all eligible applicants for that quota year the opportunity to apply for a license for such article.

§ 6.35 Correction of errors.

(a) If a person demonstrates, to the satisfaction of the Licensing Authority, that errors were made by officers or employees of the United States Government, the Licensing Authority will review and rectify the errors to the extent permitted under this subpart.

(b) To be considered, a person must provide sufficient documentation regarding the error to the Licensing Authority by letter, postmarked not later than August 31 of the calendar year following the calendar year in which the error was alleged to have been committed.

(c) If the error resulted in the loss of a historical license by a license holder, the Licensing Authority will transfer the amount of such license from Appendix 2 to Appendix 1 in order to provide for the issuance of such license in the calendar year following the calendar year for which the license was revoked. The cumulative annual transfers to Appendix 1 in accordance with this paragraph will be published in the FEDERAL REGISTER.

[65 FR 1298, Jan. 10, 2000]

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§ 6.36 Miscellaneous.

(a) If any deadline date in this subpart falls on a Saturday, Sunday or a Federal holiday, then the deadline shall be the next business day.

(b) All submissions required under this subpart shall be made either by registered or certified mail, return receipt requested, with a postmarked receipt, with proper postage affixed and properly addressed to the Dairy Import Licensing Group, STOP 1021, U.S. Department of Agriculture, 1400 Independence Avenue SW., Washington DC 20250–1021, or by electronic submission utilizing the electronic software designated for this purpose by the Licensing Authority.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000; 69 FR 59764, Oct. 6, 2004]

§ 6.37 Supersedure of Import Regulation 1, Revision 7.

This subpart will supersede the provisions of Import Regulation 1, Revision 7 heretofore in effect (§§ 6.20 through 6.33 and appendices 1 through 3 as contained in 7 CFR subtitle A revised as of January 1, 1996). With respect to any violation of the provisions of that regulation by a licensee prior to the effective date hereof, the provisions of that regulation will be deemed to continue in full force; however, the debarment and suspension of § 6.31 of this subpart shall apply with respect to any violation of that regulation.

[61 FR 53007, Oct. 9, 1996. Redesignated at 65 FR 1298, Jan. 10, 2000]

APPENDIXES 1–3 TO SUBPART—DAIRY TARIFF-RATE IMPORT QUOTA LICENSING

ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NON-HISTORICAL LICENSES; AND APPENDIX 3, DESIGNATED IMPORTERS LICENSES FOR QUOTA YEAR 2014

[Quantities in kilograms]

Non-cheese articles	Appendix 1	Appendix 2	Sum of Appendix 1&2	Appendix 3 Tokyo R.	Appendix 4 Uruguay R.	Total
BUTTER (NOTE 6)	4,618,233	2,358,767	6,977,000	.....	.....	6,977,000
EU-25	75,000	21,161	96,161	.....	.....
New Zealand	110,045	40,548	150,593	.....	.....
Other Countries	40,211	33,724	73,935	.....	.....
Any Country	4,392,977	2,263,334	6,656,311	.....	.....
DRIED SKIM MILK (NOTE 7) .....	.....	5,261,000	5,261,000	.....	.....	5,261,000
Australia .....	.....	600,076	600,076	.....	.....
Canada .....	.....	219,565	219,565	.....	.....
Any Country	4,441,359	4,441,359	
DRIED WHOLE MILK (NOTE 8)	3,175	3,318,125	3,321,300	3,321,300

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ARTICLES SUBJECT TO: APPENDIX 1, HISTORICAL LICENSES; APPENDIX 2, NON-HISTORICAL LICENSES;
AND APPENDIX 3, DESIGNATED IMPORTERS LICENSES FOR QUOTA YEAR 2014—Continued

[Quantities in kilograms]

Non-cheese articles	Appendix 1	Appendix 2	Sum of Appendix 1&2	Appendix 3 Tokyo R.	Appendix 4 Uruguay R.	Total
New Zealand	3,175	.....	3,175	.....	.....	.....
Any Country .....	.....	3,318,125	3,318,125	.....	.....	.....
DRIED BUTTERMILK/WHEY (NOTE 12) .....	.....	224,981	224,981	.....	.....	224,981
Canada .....	.....	161,161	161,161	.....	.....	.....
New Zealand .....	.....	63,820	63,820	.....	.....	.....
BUTTER SUBSTITUTES CON- TAINING OVER 45 PERCENT OF BUTTERFAT AND/OR BUTTER OIL (NOTE 14) .....	.....	6,080,500	6,080,500	.....	.....	6,080,500
Any Country .....	.....	6,080,500	6,080,500	.....	.....	.....
TOTAL: NON- CHEESE ARTI- CLES	4,621,408	17,243,373	21,864,781	.....	.....	21,864,781
Cheese articles	Appendix 1	Appendix 2	Sum of Appendix 1&2	Tokyo R.	Uruguay R.	Grand total
CHEESE AND SUBSTITUTES FOR CHEESE (EXCEPT: SOFT RIP- ENED COW'S MILK CHEESE; CHEESE NOT CONTAINING COW'S MILK; CHEESE (EXCEPT COTTAGE CHEESE) CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT; AND, ARTICLES WITHIN THE SCOPE OF OTHER IMPORT QUOTAS PRO- VIDED FOR IN THIS SUB- CHAPTER) (OT-NOTE 16)	21,286,655	10,183,076	31,469,731	9,661,128	7,496,000	48,626,859
Argentina	2,849	4,841	7,690	92,310	.....	100,000
Australia	535,628	5,542	541,170	758,830	1,750,000	3,050,000
Canada	977,439	163,561	1,141,000	.....	.....	1,141,000
Costa Rica .....	.....	0	0	.....	1,550,000	1,550,000
EU-25	15,618,102	7,649,554	23,267,656	1,132,568	3,446,000	27,846,224
Of which Portugal is:	65,838	63,471	129,309	223,691	.....	353,000
Israel	79,696	0	79,696	593,304	.....	673,000
Iceland	294,000	0	294,000	29,000	.....	323,000
New Zealand	2,902,261	1,913,211	4,815,472	6,506,528	.....	11,322,000
Norway	124,982	25,018	150,000	.....	.....	150,000
Switzerland	584,954	86,458	671,412	548,588	500,000	1,720,000
Uruguay .....	.....	0	0	.....	250,000	250,000
Other Countries	100,906	100,729	201,635	.....	.....	201,635
Any Country .....	.....	300,000	300,000	.....	.....	300,000
BLUE-MOLD CHEESE (EXCEPT STIL- TON PRODUCED IN THE UNITED KINGDOM) AND CHEESE AND SUBSTITUTES FOR CHEESE CON- TAINING, OR PROCESSED FROM, BLUE-MOLD CHEESE (B-NOTE 17)	2,278,657	202,344	2,481,001	.....	430,000	2,911,001
Argentina	2,000	0	2,000	.....	.....	2,000
EU-25	2,276,657	202,343	2,479,000	.....	350,000	2,829,000
Chile .....	.....	.....	0	.....	80,000	80,000
Other Countries .....	.....	1	1	.....	.....	1
CHEDDAR CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, CHEDDAR CHEESE (C- NOTE 18)	2,775,728	1,508,128	4,283,856	519,033	7,620,000	12,422,889
Australia	897,786	86,713	984,499	215,501	1,250,000	2,450,000
Chile .....	.....	0	0	.....	220,000	220,000
EU-25	52,404	210,596	263,000	.....	1,050,000	1,313,000
New Zealand	1,723,925	1,072,543	2,796,468	303,532	5,100,000	8,200,000
Other Countries	101,613	38,276	139,889	139,889
Any Country	100,000	100,000	100,000

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Cheese articles	Appendix 1	Appendix 2	Sum of Appendix 1&2	Tokyo R.	Uruguay R.	Grand total
AMERICAN-TYPE CHEESE, INCLUDING COLBY, WASHED CURD AND GRANULAR CHEESE (BUT NOT INCLUDING CHEDDAR) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING OR PROCESSED FROM SUCH AMERICAN-TYPE CHEESE (A–NOTE 19)	2,665,481	500,072	3,165,553	357,003	0	3,522,556
Australia	761,890	119,108	880,998	119,002	.....	1,000,000
EU–25	140,611	213,389	354,000	.....	.....	354,000
New Zealand	1,612,339	149,660	1,761,999	238,001	.....	2,000,000
Other Countries	150,641	17,915	168,556	.....	.....	168,556
EDAM AND GOUDA CHEESE, AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, EDAM AND GOUDA CHEESE (E–NOTE 20)	4,782,117	824,285	5,606,402	0	1,210,000	6,816,402
Argentina	105,418	19,582	125,000	.....	110,000	235,000
EU–25	4,560,891	728,109	5,289,000	.....	1,100,000	6,389,000
Norway	111,046	55,954	167,000	.....	.....	167,000
Other Countries	4,762	20,640	25,402	.....	.....	25,402
ITALIAN-TYPE CHEESES, MADE FROM COW'S MILK, (ROMANO MADE FROM COW'S MILK, REGGIANO, PARMESAN, PROVOLONE, PROVOLETTI, SBRINZ, AND GOYA—NOT IN ORIGINAL LOAVES) AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH ITALIAN-TYPE CHEESES, WHETHER OR NOT IN ORIGINAL LOAVES (D–NOTE 21) ...	6,377,637	1,142,910	7,520,547	795,517	5,165,000	13,481,064
Argentina	3,890,321	235,162	4,125,483	367,517	1,890,000	6,383,000
EU–25	2,487,316	894,684	3,382,000	.....	2,025,000	5,407,000
Romania .....	.....	0	0	.....	500,000	500,000
Uruguay .....	.....	0	0	428,000	750,000	1,178,000
Other Countries .....	.....	13,064	13,064	.....	.....	13,064
SWISS OR EMMENTHALER CHEESE OTHER THAN WITH EYE FORMATION, GRUYERE-PROCESS CHEESE AND CHEESE AND SUBSTITUTES FOR CHEESE CONTAINING, OR PROCESSED FROM, SUCH CHEESES (GR–NOTE 22)	5,208,248	1,443,066	6,651,314	823,519	380,000	7,854,833
EU–25	3,944,099	1,207,895	5,151,994	393,006	380,000	5,925,000
Switzerland	1,230,651	188,836	1,419,487	430,513	.....	1,850,000
Other Countries	33,498	46,335	79,833	.....	.....	79,833
CHEESE AND SUBSTITUTES FOR CHEESE, CONTAINING 0.5 PERCENT OR LESS BY WEIGHT OF BUTTERFAT (EXCEPT ARTICLES WITHIN THE SCOPE OF OTHER TARIFF-RATE QUOTAS PROVIDED FOR IN THIS SUBCHAPTER), AND MARGARINE CHEESE (LF–NOTE 23)	1,837,206	2,587,702	4,424,918	1,050,000	0	5,474,908
EU–25	1,837,206	2,587,701	4,424,907	.....	.....	4,424,907
Israel .....	.....	0	0	50,000	.....	50,000
New Zealand .....	.....	0	0	1,000,000	.....	1,000,000
Other Countries .....	.....	1	1	.....	.....	1
SWISS OR EMMENTHALER CHEESE WITH EYE FORMATION (SW–NOTE 25)	15,319,360	6,977,971	22,297,331	9,557,945	2,620,000	34,475,276
Argentina .....	.....	9,115	9,115	70,885	.....	80,000
Australia	209,698	0	209,698	290,302	.....	500,000
Canada .....	.....	0	0	70,000	.....	70,000
EU–25	10,961,475	5,515,353	16,476,828	4,003,172	2,420,000	22,900,000
Iceland	149,999	0	149,999	150,001	.....	300,000
Israel	27,000	0	27,000	.....	.....	27,000
Norway	3,159,885	495,425	3,655,310	3,227,690	6,883,000
Switzerland	763,050	921,055	1,684,105	1,745,895	200,000	3,630,000

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Cheese articles	Appendix 1	Appendix 2	Sum of Appendix 1&2	Tokyo R.	Uruguay R.	Grand total
Other Countries	48,253	37,023	85,276	.....	.....	85,276
TOTAL: CHEESE ARTICLES	62,531,089	25,369,554	87,900,653	22,764,145	24,921,000	135,585,788
TOTAL: CHEESE & NON-CHEESE	67,152,497	42,612,927	109,765,434	22,764,145	24,921,000	157,450,569

[79 FR 34213, June 16, 2014]

Subpart—Price-Undercutting of Domestic Cheese by Quota Cheeses

AUTHORITY: Sec. 702, Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note.

SOURCE: 45 FR 9883, Feb. 13, 1980, unless otherwise noted.

§ 6.40 General.

This subpart sets forth the procedures applicable to the determination by the Secretary of Agriculture as to whether the price at which any article of quota cheese is being offered for sale in the United States on a duty-paid wholesale basis is less than the domestic wholesale market price of similar articles produced in the United States (i.e., price-undercutting) in accordance with section 702 of the Trade Agreements Act of 1979 (Pub. L. 96-39, 93 Stat. 144, 19 U.S.C. 1202 note) (hereinafter referred to as the Act).

§ 6.41 Definitions.

(a) *Complainant* means the person who has filed with the Investigating Authority, in accordance with the procedures set forth in this subpart, a written complaint alleging that price-undercutting is occurring.

(b) *Country of origin* means the country, as defined in 19 CFR 134.1(b), in which the quota article subject to this regulation was produced or manufactured.

(c) *Foreign government* means the government of the country of origin or, for purposes of determining whether a subsidy has been provided for the member states of the European Economic Community, the subsidy granting bodies of the European Economic Community.

(d) *Investigating Authority* means the Director, Dairy, Livestock and Poultry

Division, Commodity Programs, Foreign Agricultural Service.

(e) *Quota cheese* means the articles provided for in the following items of the Tariff Schedules of the United States:

117.00 (except Stilton produced in the United Kingdom);
 117.05 (except Stilton produced in the United Kingdom);
 117.15;
 117.20;
 117.25;
 117.42;
 117.44;
 117.55;
 117.60 (except Gammelost and Nokkelost);
 117.75 (except goat's milk cheeses and soft-ripened cow's milk cheeses);
 117.81;
 117.86;
 117.88 (except goat's milk cheeses and soft-ripened cow's milk cheeses);

(f) *Secretary* means the Secretary of Agriculture.

(g) *Subsidy* has the same meaning as such term has in section 771(5) of the Tariff Act of 1930 as added by section 101 of the Trade Agreements Act of 1979 (19 U.S.C. 1677(5)).

(h) The *United States* means the Customs Territory of the United States, which is limited to the United States, District of Columbia and Puerto Rico.

§ 6.42 Complaints of price-undercutting.

(a) *Submission of complaint.* Any person who has reason to believe that the price at which any article of quota cheese is offered for sale or sold in the United States on a duty-paid wholesale price basis is less than the domestic wholesale market price of similar articles produced in the United States and that a foreign government is providing a subsidy with respect to such article of quota cheese may file with the Investigating Authority a written complaint making such allegation.